FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

SECOND APPEAL NO.444 OF 2007.

Ram @ Devidas Gujarkar & anr. ..vs.. Smt.Chetna Gujarkar & ors.

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left behind by deceased Dashrath. Learned appellate court found that the marriage of Chetna with Dashrath is void on account of the fact that there was no divorce between Dashrath and his first wife Smt.Leelabai and therefore held that the marriage between Chetna and deceased Dashrath was void. The learned appellate court, however, rightly considered the provisions of Section 16 of the Hindu Marriage Act and found that although the children were born out of void marriage, they are entitled to share in the property owned by father. The judgment of the appellate court clearly goes to show that enough evidence was placed before the court to show that the children were born from Dashrath. Since they were the children born from Dashrath and they were born out of void marriage, they were certainly entitled to share in the property left behind by Dashrath. I do not see any perversity in the appreciation of the evidence by the learned judge of the first appellate court. Findings recorded by him cannot be faulted with. There is no substantial question of law involved. The appeal is dismissed in limine.

JUDGE

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